

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No.: 3:13-CV-404

UNITED STATES OF AMERICA <i>ex rel.</i>)
TRAVIS THAMS, RELATOR, and on)
behalf of the STATES OF CALIFORNIA,)
COLORADO, CONNECTICUT,)
DELAWARE, FLORIDA, GEORGIA,)
HAWAII, ILLINOIS, INDIANA,)
LOUISIANA, MARYLAND,)
MASSACHUSETTS, MICHIGAN,)
MINNESOTA, MONTANA, NEVADA,)
NEW HAMPSHIRE, NEW JERSEY,)
NEW MEXICO, NEW YORK, NORTH)
CAROLINA, OKLAHOMA, RHODE)
ISLAND, TENNESSEE, TEXAS,)
VIRGINIA, WISCONSIN and the)
DISTRICT OF COLUMBIA,)
)
Plaintiffs,)
)
v.)
)
CARDIOVASCULAR SYSTEMS, INC.,)
)
Defendant.)
)

**DEFENDANT’S MOTION FOR EXTENSION OF TIME
TO FILE AN ANSWER AND/OR DISPOSITIVE MOTION**

Defendant Cardiovascular Systems, Inc. (“CSI”), by and through undersigned counsel, pursuant to Fed. R. Civ. P. 6(b)(1)(A), respectfully moves the Court for an Order extending the time within which it may answer, cross-claim make any motions directed to

the Complaint, or otherwise respond to Plaintiffs' Complaint. In support states as follows:

1. Plaintiff/Relator filed the Complaint in this action on July 15, 2013. [Docket No. 1].

2. On June 15, 2015, the United States filed its Notice of the United States That It Is Not Intervening at This Time. [Docket No. 12]. The Complaint was unsealed.

3. On November 2, 2015, Defendant waived formal service of a Summons and Complaint in this action and accepted service of the Complaint via electronic mail.

4. Defendant's Answer and/or dispositive motion is currently due on January 4, 2016.

5. Defendant was contacted by the government to discuss the allegations in this case and possible resolutions. These discussions are ongoing. As these discussions proceed, they will require input from multiple stakeholders in this litigation.

6. Defendant does not wish to engage in unnecessary motion practice or to needlessly expend the time and resources of the Court and the parties.

7. Cardiovascular Systems, Inc. requires additional time in which to answer, cross-claim, make any motions directed to the Complaint, or otherwise respond to Plaintiffs' Complaint.

8. To allow time to engage in meaningful discussions before the time and expense of motion practice, Defendant asks the Court to extend the deadline in which to

answer or otherwise respond by 90 days. Defendant believes that significant progress toward settlement will be made during the extension period.

9. Pursuant to the Western District of North Carolina Local Rules of Civil Procedure 6.1(a), the defendant has conferred with counsel for Plaintiff/Relator regarding the requested extension. Plaintiffs'/Relator's counsel has authorized Defendant to represent to the Court that Plaintiff/Relator does not oppose the request for an extension. Under this extension request, defendant's responsive pleading will be due on or before March 25, 2016.

10. This extension request is not for the purpose of delay but rather to afford Cardiovascular Systems, Inc. additional time so that it may satisfactorily respond to Plaintiffs' Complaint and address certain matters raised by Plaintiff with respect to its claim.

WHEREFORE, Defendant respectfully requests that the Court grant its request for an extension of time, through March 25, 2016, to file its Answer and/or dispositive motion to the Complaint.

Dated: December 11, 2015

Respectfully submitted,

/s/ Joseph T. Carruthers
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Applications for *pro hac vice* admission will be filed shortly for the attorneys below:

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CERTIFICATE OF SERVICE

I, Joseph T. Carruthers, hereby certify that on December 11, 2015, I electronically filed the foregoing Motion for Extension of Time with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Joseph T. Carruthers

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